

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO: WAVE 1 CASES\	

**MOTION TO EXCLUDE THE GENERAL CAUSATION
TESTIMONY OF KIMBERLY H. ALLISON, M.D.**

Defendants Ethicon, Inc., and Johnson & Johnson (collectively, “Ethicon”) move to exclude the general causation testimony of Kimberly H. Allison, M.D., as described in the accompanying Memorandum in Support of Motion to Exclude General Causation Testimony of Kimberly H. Allison, M.D. (“Memorandum”). Plaintiffs’ counsel refused to make Dr. Allison available for a general causation deposition, so the Court should preclude Dr. Allison from offering general causation testimony. In any event, Dr. Allison’s general causation opinions are unreliable under Rule 702 and *Daubert v. Merrell Dow Pharm, Inc.*, 509 U.S. 579 (1993), so should be excluded on that basis as well. The Court should also exclude Dr. Allison’s specific causation opinions because she has failed to identify any general causation testimony to support them, a required foundational predicate. Ethicon accordingly requests that the Court grant this motion and exclude Dr. Allison’s testimony as detailed in Ethicon’s Memorandum, as well as Ethicon’s motions to exclude Dr. Allison’s case-specific testimony.

Ethicon incorporates into this motion its Memorandum, its motions to exclude Dr. Allison’s case-specific testimony, and the following exhibits:

1. A list of each case to which this motion applies, identified by case style and number, attached as Exhibit A.
2. Rule 26 Report of Kimberly H. Allison, M.D., attached as Exhibit B.
3. Curriculum Vitae of Kimberly H. Allison, M.D., attached as Exhibit C.
4. Amended Notice of Deposition of Kimberly H. Allison, attached as Exhibit D.
5. Excerpts from the transcript of the March 17, 2016 deposition of Kimberly H. Allison, M.D., in the matter of *Lisa Thompson, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-01199 (“Allison Thompson Dep.”), attached as Exhibit E.
6. Excerpts from the transcript of the March 17, 2016 deposition of Kimberly H. Allison, M.D., in the matter of *Patti Ann Phelps, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-01171, attached as Exhibit F.
7. Excerpts from the transcript of the March 18, 2016 deposition of Kimberly H. Allison, M.D., in the matter of *Daphne Barker, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-00899, attached as Exhibit G.
8. Expert Report of Teri Longacre, M.D., attached as Exhibit H.
9. Hill, JA et al., Histopathology of excised midurethral sling mesh, *Int Urogynecol J* (2015) 26:591–595, attached as Exhibit I.
10. Excerpts from the transcript of the March 9, 2016 deposition of Donald R. Ostergard, M.D., attached as Exhibit J.

11. Excerpts from the transcript of the October 30, 2014 deposition of Kimberly H. Allison, M.D., in the matter of *In re: C.R. Bard 200*, MDL No. 2187, attached as Exhibit K.
12. Expert Report of Hannes Vogel, M.D., attached as Exhibit L.
13. National Institute for Occupational Safety and Health Occupational Health Guideline for Xylene, attached as Exhibit M.
14. Excerpts from the March 18, 2014 deposition of Vladimir Iakovlev, M.D., in the matters of *Tonya Edwards, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-09972, and *Jo Huskey, et al. v. Ethicon, Inc., et al.*, Civil Action No. 2:12-cv-05201, attached as Exhibit N.

Respectfully submitted,

ETHICON, INC. AND
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/s/ David B. Thomas

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CERTIFICATE OF SERVICE

I certify that on April 20, 2016, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

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